

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 07-cr-150-01-SM

William Swanson

O R D E R

On February 16, 2010, defendant appeared for a probable cause hearing under Fed. R. Crim. P. 32.1 on one alleged violation of conditions of supervision. Defendant stipulated to probable cause on the violation.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. Here, he was in control of a vehicle which reeked of marijuana smoke. The locked glove compartment revealed 100 Oxycontin pills, \$4,930 in U.S. currency, and photos of defendant with kids and women. He is a drug dealer and, although he is not a risk of flight, he is a danger to the community. There are no conditions which are likely to assure his presence and the safety of the community.

Accordingly, it is ORDERED that the defendant be detained

pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: February 16, 2010

cc: Richard F. Monteith, Jr., Esq.
Terry Ollila, Esq.
U.S. Marshal
U.S. Probation